

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

**THE BIOMECHANICS LLC,**  
*Plaintiff,*

*v.*

**INTERNATIONAL FITNESS  
PROFESSIONALS ASSOCIATION, INC.  
and DR. JAMES BELL**  
*Defendants.*

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**CASE NO. 6:22-cv-974**

**UNOPPOSED EMERGENCY MOTION TO  
EXTEND TIME TO RESPOND TO MOTIONS TO DISMISS**

TO THE HONORABLE COURT:

1. Plaintiff The BioMechanics LLC hereby requests an extension of its deadlines to respond to the following motions:

- (1) Dr. James Bell's Motion to Dismiss Under Rule 12(b)(2) for Lack of Personal Jurisdiction and Under Rule 12(b)(3) for Improper Venue (Dkt. 13); and
- (2) International Fitness Professionals Association, Inc.'s First Amended Motion to Dismiss Under Rule 12(b)(2) for Lack of Personal Jurisdiction, Under Rule 12(b)(3) for Improper Venue, and Under Rule 12(b)(6) for Failure to State a Claim (Dkt. 15).

2. Plaintiff's current deadline to respond to both motions is March 13, 2023, which was an extension of the initial deadline, which the Court to provide time for (1) the parties to finish conferencing discovery disputes and present any remaining disputed issues to the Court for resolution if necessary; and (2) to permit the parties to further engage in settlement negotiations in the hopes of resolving the lawsuit entirely. *See* Dkt. 17.

3. The parties subsequently engaged in conferencing of the discovery issues and Counsel for Plaintiff understood that there would be supplementation of the discovery responses and continued conferencing and negotiations. However, communications ceased and no supplementation was

provided. Counsel for Plaintiff learned only yesterday that counsel for Defendant had been ill with COVID.

4. Plaintiff respectfully requests that the deadline to respond to the Defendants' motions to dismiss be postponed until an order is issued on the Plaintiff's Motion to Compel Jurisdictional Discovery (Dkt. 19).

5. The parties have conferred and Defendants do not oppose the requested relief.

**PRAYER**

6. For these reasons, Plaintiff respectfully requests that its deadlines to respond to Defendants' motions to dismiss be postponed until an order has issued on Plaintiff's Motion to Compel Jurisdictional Discovery (Dkt. 19).

DATED: March 9, 2023

Respectfully submitted,

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By /s/ I. Antongiorgi

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ATTORNEYS FOR PLAINTIFF

### **CERTIFICATE OF CONFERENCE**

I, the undersigned, hereby certify, I conferred with counsel for Defendants via email and on the phone, and Defendants do not oppose the relief requested herein.

/s/ Isabelle M. Antongiorgi

Isabelle M. Antongiorgi

### **CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that this Unopposed Emergency Motion to Extend Time to Respond to Motions to Dismiss was filed through the Court's ECF System on March 9, 2023, and thereby served on the following counsel of record:

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/s/ Isabelle M. Antongiorgi

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